

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 5/21/2021

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GEORGE AIRDAY,

Plaintiff,

-against-

THE CITY OF NEW YORK and KEITH  
SCHWAM,

Defendants.  
-----X

14-CV-8065 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS the Court held a Final Pretrial Conference on May 20, 2021;

IT IS HEREBY ORDERED that not later than **May 27, 2021**, the parties must submit briefing on the issues of whether Plaintiff's stipulation to a suspension by the Appellate Division and whether the suspension itself bar Plaintiff for recovering damages for the period during which he was suspended. Each party may submit a brief not to exceed ten double-spaced pages.

IT IS FURTHER ORDERED that not later than **May 27, 2021**, the parties must submit electronic copies of any documents that contain new redactions or newly unredacted language based on the Court's holdings at the FPTC on the parties' evidentiary objections. The name of the pdf for the newly-submitted documents must include the word "new" (e.g., DX A new).

IT IS FURTHER ORDERED that the parties must confer and reach an agreement regarding which portions of Plaintiff's Exhibit 37, the City Marshal's Handbook of Regulations, are relevant, and prepare a new PX 37 that includes only the relevant portions.

IT IS FURTHER ORDERED that the Court will reconsider its decision to overrule Plaintiff's objection to Defendant's Exhibit S — but only with respect to the sentence concerning

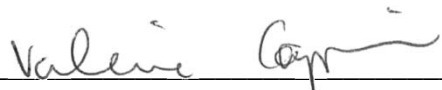
Mr. Litwack — if Plaintiff provides the Court with a compelling explanation for why it should do so not later than **May 25, 2021**, in a submission not to exceed 2 pages.

IT IS FURTHER ORDERED that, per the Court's statement at the FPTC, the Court has deferred ruling on Plaintiff's objections to Defendants' Exhibits A and B pending Plaintiff's submission of the evidentiary support of his argument at the FPTC that Mr. Schwam admitted that the underlying facts of Plaintiff's arrests were not relevant to any of Defendants' decisions or actions during 2012 and 2013 and any argument he wishes to provide regarding why, given other evidence that is being admitted regarding the comparators, the evidence of the underlying facts of Mr. Airday's arrests should be excluded pursuant to Fed. R. Evid. 403. Plaintiff's submission on this point must be submitted not later than **May 25, 2021**, and must not exceed 2 pages.

IT IS FURTHER ORDERED that the Court will reconsider its decision to overrule Plaintiff's objection to Defendant's Exhibit V if Plaintiff provides the Court with legal authority for his position that the exhibit is inadmissible pursuant to Federal Rule of Evidence 408. Plaintiff's submission on this point must be submitted not later than **May 25, 2021**, and must not exceed 2 pages.

**SO ORDERED.**

**Date: May 21, 2021**  
**New York, NY**

  
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**VALERIE CAPRONI**  
**United States District Judge**